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DOC #:
DATE FILED: 3/3/11

Bond No. K08456549

SUPERSEDEAS BOND

**United States District Court
Southern District of New York**

David R. Kittay, Trustee,

Plaintiff,

Index No. 08 Civ. 07421 (RPP)

- against -

Joseph Korff,

Defendant.

WHEREAS, Joseph Korff, Defendant, has prosecuted an appeal to the **United States Court of Appeals for the Second Circuit** from the final judgment entered the 17th day of February, 2011, in the office of the Clerk of the above-named Court, against the said Joseph Korff, Defendant and in favor of David R. Kittay, Trustee, Plaintiff, in the amount of Four Hundred Seventy Seven Thousand Ninety and 41/100—(\$477,090.41)---Dollars.


NOW, THEREFORE, the Westchester Fire Insurance Company, having an office and principal place of business for the State of New York, at **ACE, USA, 1133 Avenue of the Americas, 38th Floor, New York, N.Y., 10036**, does hereby undertake in the sum of Five Hundred Twenty Nine Thousand Five Hundred Seventy and 35/100---(\$529,570.35)---Dollars, that if the above-named Defendant, Joseph Korff shall satisfy the order herein in full together with cost, interest and damages for delay, if for any reason the appeal is dismissed or if the judgment is affirmed, and shall satisfy in full such modification of the judgment and such costs, interest, and damages as the Appellate Court may adjudge and award, then this obligation shall be void, otherwise the same shall be and remain in full force and virtue.

DATED, New York, March 3rd, 2011

Approved 3/3/11

RUBY J. KRAJICK
CLERK OF COURT

BY


Deputy Clerk

Westchester Fire Insurance Company

By:


Fayth Vasseur, Attorney-in-fact

ACKNOWLEDGMENT OF SURETY

STATE OF NEW YORK }

COUNTY OF New York }

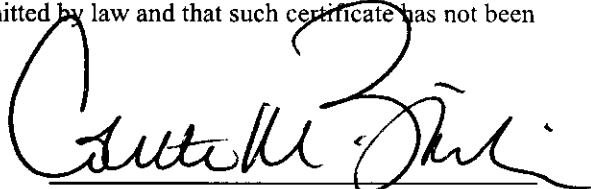
SS:

On the 3rd day of March in year 2011 before me personally came

Fayth Vasseur to me known, who being by me duly sworn, did
depose and say that he/she resides at ACE, USA, 1133 Avenue of the Americas, 38th Fl. N.Y., N.Y., 10036,
that he/she is the Attorney-in-Fact of Westchester Fire Insurance Company, the
corporation described in and which executed the above instrument; that he/she knows the corporate seal of said
corporation, that the seal affixed to such instrument is such corporate seal: that it was so affixed by order of the
Board of Directors of said corporation, and, that he/she signed his/her name thereto by like order; and that said
corporation is duly authorized to transact business in the State of New York in pursuance of the statutes of such
case made and provided, that the Superintendent of insurance of the State of New York, has, pursuant to Chapter
28 of the Consolidated Laws of the State of New York, known as the Insurance Law, issued to

Westchester Fire Insurance Company

a Certificate of Solvency and qualification to become surety or guarantor on all bonds, undertakings,
recognizances, guaranties and other obligations required or permitted by law and that such certificate has not been
evoked.



Notary Public

COLETTE M. BLAIKIE
Notary Public, State of New York
No. 18L4989857
Qualified in New York County
Certificate Filed in New York County
Commission Expires May 6, 2014

Power of Attorney

WESTCHESTER FIRE INSURANCE COMPANY

Know all men by these presents: That WESTCHESTER FIRE INSURANCE COMPANY, a corporation of the Commonwealth of Pennsylvania pursuant to the following Resolution, adopted by the Board of Directors of the said Company on December 11, 2006, to wit:

"RESOLVED, that the following authorizations relate to the execution, for and on behalf of the Company, of bonds, undertakings, recognizances, contracts and other written commitments of the Company entered into the ordinary course of business (each a "Written Commitment"):

- (1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.
- (2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such persons written appointment as such attorney-in-fact.
- (3) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-in-fact of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (4) Each of the Chairman, the President and Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile to such Written Commitment or written appointment or delegation.

FURTHER RESOLVED, that the foregoing Resolution shall not be deemed to be an exclusive statement of the powers and authority of officers, employees and other persons to act for and on behalf of the Company, and such Resolution shall not limit or otherwise affect the exercise of any such power or authority otherwise validly granted or vested.

Does hereby nominate, constitute and appoint Annie Sawh, Colette Blaikie, D. Nicholas Blaikie, Fayth Vasseur, Maureen Pfeffer, all of the City of NEW YORK CITY, New York, each individually if there be more than one named, its true and lawful attorney-in-fact, to make, execute, seal and deliver on its behalf, and as its act and deed any and all bonds, undertakings, recognizances, contracts and other writings in the nature thereof in penalties not exceeding Ten million dollars & zero cents (\$10,000,000.00) and the execution of such writings in pursuance of these presents shall be as binding upon said Company, as fully and amply as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office,

IN WITNESS WHEREOF, the said Stephen M. Haney, Vice-President, has hereunto subscribed his name and affixed the Corporate seal of the said WESTCHESTER FIRE INSURANCE COMPANY this 3 day of February 2011.

WESTCHESTER FIRE INSURANCE COMPANY

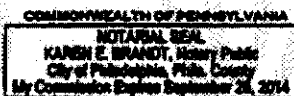


Stephen M. Haney
Stephen M. Haney, Vice President

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF PHILADELPHIA ss.

On this 3 day of February, AD. 2011 before me, a Notary Public of the Commonwealth of Pennsylvania in and for the County of Philadelphia came Stephen M. Haney, Vice-President of the WESTCHESTER FIRE INSURANCE COMPANY to me personally known to be the individual and officer who executed the preceding instrument, and he acknowledged that he executed the same, and that the seal affixed to the preceding instrument is the corporate seal of said Company; that the said corporate seal and his signature were duly affixed by the authority and direction of the said corporation, and that Resolution, adopted by the Board of Directors of said Company, referred to in the preceding instrument, is now in force.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Philadelphia the day and year first above written.



Karen E. Brandt
Notary Public

I, the undersigned Assistant Secretary of the WESTCHESTER FIRE INSURANCE COMPANY, do hereby certify that the original POWER OF ATTORNEY, of which the foregoing is a substantially true and correct copy, is in full force and effect.

In witness whereof, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of the Corporation, this 3 day of March, 2011.



William L. Kelly
William L. Kelly, Assistant Secretary

THIS POWER OF ATTORNEY MAY NOT BE USED TO EXECUTE ANY BOND WITH AN INCEPTION DATE AFTER February 03, 2013.

WESTCHESTER FIRE INSURANCE COMPANY

FINANCIAL STATEMENT

DECEMBER 31, 2009

ADMITTED ASSETS

BONDS	\$2,060,239,269
SHORT - TERM INVESTMENTS	21,402,589
STOCKS	0
REAL ESTATE	0
CASH ON HAND AND IN BANK	5,053
PREMIUM IN COURSE OF COLLECTION*	106,852,028
INTEREST ACCRUED	18,645,574
OTHER ASSETS	252,407,271
TOTAL ASSETS	<u>\$2,459,551,784</u>

LIABILITIES

RESERVE FOR UNEARNED PREMIUMS	\$284,403,553
RESERVE FOR LOSSES	1,226,008,303
RESERVE FOR TAXES	1,902,245
FUNDS HELD UNDER REINSURANCE TREATIES	0
OTHER LIABILITIES	139,987,368
TOTAL LIABILITIES	<u>1,652,301,469</u>

CAPITAL: 928,592 SHARES, \$4.85 PAR VALUE	4,503,671
CAPITAL: PAID IN	187,844,877
AGGREGATE WRITE-INS FOR SPECIAL SURPLUS FUNDS	85,912,680
SURPLUS (UNASSIGNED)	528,989,087
SURPLUS TO POLICYHOLDERS	<u>807,250,315</u>
TOTAL	<u>\$2,459,551,784</u>

(*EXCLUDES PREMIUM MORE THAN 90 DAYS DUE.)

STATE OF PENNSYLVANIA

COUNTY OF PHILADELPHIA

John P. Taylor, being duly sworn, says that he is Vice President of Westchester Fire Insurance Company and that to the best of his knowledge and belief the foregoing is a true and correct statement of the said Company's financial condition as of the 31 st day of December, 2009.

Sworn before me this 12th March 2010

[Signature]
Vice President

[Signature]
Notary Public

August 8, 2011
My commission expires

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Diane Wright, Notary Public
City of Philadelphia, Philadelphia County
My Commission Expires Aug. 8, 2011
Member, Pennsylvania Association of Notaries